

SENATE BILL No. 470

AN ACT concerning the behavioral sciences; relating to temporary licenses; amending K.S.A. 65-5804a, 65-6405, 74-5366 and 74-5367 and K.S.A. 2005 Supp. 65-6309 and repealing the existing sections; also repealing K.S.A. 65-5805.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 65-5804a is hereby amended to read as follows: 65-5804a. (a) Applications for licensure as a professional counselor shall be made to the board on a form and in the manner prescribed by the board. Each application shall be accompanied by the fee fixed under K.S.A. 65-5808 and amendments thereto.

(b) Each applicant for licensure as a professional counselor shall furnish evidence satisfactory to the board that the applicant:

(1) Is at least 21 years of age;

(2) has completed 60 graduate semester hours including a graduate degree in counseling from a college or university approved by the board and which includes 45 graduate semester hours distributed among each of the following areas:

- (A) Counseling theory and practice;
 - (B) the helping relationship;
 - (C) group dynamics, processing and counseling;
 - (D) human growth and development;
 - (E) life-style and career development;
 - (F) appraisal of individuals;
 - (G) social and cultural foundations;
 - (H) research and evaluation;
 - (I) professional orientation;
 - (J) supervised practicum and internship;
- (3) has passed an examination required by the board; and
- (4) has satisfied the board that the applicant is a person who merits the public trust.

(c) (1) Applications for licensure as a clinical professional counselor shall be made to the board on a form and in the manner prescribed by the board. Each applicant shall furnish evidence satisfactory to the board that the applicant:

(A) Is licensed by the board as a licensed professional counselor or meets all requirements for licensure as a licensed professional counselor;

(B) has completed 15 credit hours as part of or in addition to the requirements under subsection (b) supporting diagnosis or treatment of mental disorders with use of the American psychiatric association's diagnostic and statistical manual, through identifiable study of the following content areas: Psychopathology, diagnostic assessment, interdisciplinary referral and collaboration, treatment approaches and professional ethics;

(C) has completed a graduate level supervised clinical practicum of supervised professional experience including psychotherapy and assessment with individuals, couples, families or groups, integrating diagnosis and treatment of mental disorders with use of the American psychiatric association's diagnostic and statistical manual, with not less than 350 hours of direct client contact or additional postgraduate supervised experience as determined by the board;

(D) has completed not less than two years of postgraduate supervised professional experience in accordance with a clinical supervision plan approved by the board of not less than 4,000 hours of supervised professional experience including at least 1,500 hours of direct client contact conducting psychotherapy and assessments with individuals, couples, families or groups and not less than 150 hours of clinical supervision, including not less than 50 hours of person-to-person individual supervision, integrating diagnosis and treatment of mental disorders with use of the American psychiatric association's diagnostic and statistical manual, except that one-half of the requirement of this part (D) may be waived for persons with a doctor's degree in professional counseling or a related field acceptable to the board;

(E) for persons earning a degree under subsection (b) prior to July 1, 2003, in lieu of the education requirements under parts (B) and (C) of this subsection, has completed the education requirements for licensure as a professional counselor in effect on the day immediately preceding the effective date of this act;

(F) for persons who apply for and are eligible for a temporary permit to practice as a licensed professional counselor on the day immediately preceding the effective date of this act, in lieu of the education and train-

ing requirements under parts (B), (C) and (D) of this subsection, has completed the education and training requirements for licensure as a professional counselor in effect on the day immediately preceding the effective date of this act;

(G) has passed an examination approved by the board; and

(H) has paid the application fee fixed under K.S.A. 65-5808 and amendments thereto.

(2) A person who was licensed or registered as a professional counselor in Kansas at any time prior to the effective date of this act, who has been actively engaged in the practice of professional counseling as a registered or licensed professional counselor within five years prior to the effective date of this act and whose last license or registration in Kansas prior to the effective date of this act was not suspended or revoked, upon application to the board, payment of fees and completion of applicable continuing education requirements, shall be licensed as a licensed clinical professional counselor by providing demonstration of competence to diagnose and treat mental disorders through at least two of the following areas acceptable to the board:

~~(a)~~ (A) Either (i) graduate coursework or (ii) passing a national, clinical examination;

~~(b)~~ (B) either (i) three years of clinical practice in a community mental health center, its contracted affiliate or a state mental hospital or (ii) three years of clinical practice in other settings with demonstrated experience in diagnosing or treating mental disorders; or

~~(c)~~ (C) attestation from one professional licensed to diagnose and treat mental disorders in independent practice or licensed to practice medicine and surgery that the applicant is competent to diagnose and treat mental disorders.

(3) A licensed clinical professional counselor may engage in the independent practice of professional counseling and is authorized to diagnose and treat mental disorders specified in the edition of the diagnostic and statistical manual of mental disorders of the American psychiatric association designated by the board by rules and regulations. When a client has symptoms of a mental disorder, a licensed clinical professional counselor shall consult with the client's primary care physician or psychiatrist to determine if there may be a medical condition or medication that may be causing or contributing to the client's symptoms of a mental disorder. A client may request in writing that such consultation be waived and such request shall be made a part of the client's record. A licensed clinical professional counselor may continue to evaluate and treat the client until such time that the medical consultation is obtained or waived.

(4) On and after January 1, 2002, a licensed professional counselor may diagnose and treat mental disorders specified in the edition of the diagnostic and statistical manual of mental disorders of the American psychiatric association designated by the board by rules and regulations only under the direction of a licensed clinical professional counselor, licensed psychologist, person licensed to practice medicine and surgery or person licensed to provide mental health services as an independent practitioner and whose licensure allows for the diagnosis and treatment of mental disorders. When a client has symptoms of a mental disorder, a licensed professional counselor shall consult with the client's primary care physician or psychiatrist to determine if there may be a medical condition or medication that may be causing or contributing to the client's symptoms of a mental disorder. A client may request in writing that such consultation be waived and such request shall be made a part of the client's record. A licensed professional counselor may continue to evaluate and treat the client until such time that the medical consultation is obtained or waived.

(d) The board shall adopt rules and regulations establishing the criteria which a college or university shall satisfy in order to be approved by the board. The board may send a questionnaire developed by the board to any college or university for which the board does not have sufficient information to determine whether the school meets the requirements for approval and rules and regulations adopted under this section. The questionnaire providing the necessary information shall be completed and returned to the board in order for the college or university to be considered for approval. The board may contract with investigative agencies, commissions or consultants to assist the board in obtaining information

about colleges and universities. In entering such contracts the authority to approve college and universities shall remain solely with the board.

(e) A person who is waiting to take the examination required by the board ~~shall~~ *may* apply to the board for a temporary license to practice as a licensed professional counselor by (1) paying an application fee of no more than \$150 and (2) meeting the application requirements as stated in subsections (b)(1), (2) and (4) of K.S.A. 65-5804a and amendments thereto.

(f) (1) A temporary license may be issued by the board after the application has been reviewed and approved by the board and the applicant has paid the appropriate fee set by the board for issuance of new licenses.

(2) *Absent extenuating circumstances approved by the board, a temporary license issued by the board shall expire at such time as final action on the application is completed or two years upon the date the board issues or denies a license to practice professional counseling or six months after the date of issuance of the temporary license. No temporary license will be renewed or issued again on any subsequent application for the same license level. The preceding provisions in no way limit the number of times an applicant may take the examination.*

(g) A person practicing professional counseling with a temporary ~~per-~~
~~mit-~~ or license may not use the title “licensed professional counselor” or the initials “LPC” independently. The word “licensed” may be used only when followed by the words “by temporary license” such as licensed professional counselor by temporary license, or professional counselor licensed by temporary license.

(h) *No person may practice professional counseling under a temporary license except under the supervision of a person licensed by the behavioral sciences regulatory board at the independent level.*

~~(h)~~ (i) Nothing in this section shall affect any temporary ~~per-~~
~~mit-~~ or license to practice issued under this section prior to the effective date of this act and in effect on the effective date of this act. Such temporary ~~per-~~
~~mit-~~ or license shall be subject to the provisions of this section in effect at the time of its issuance and shall continue to be effective until the date of expiration of the temporary ~~per-~~
~~mit-~~ or license provided under this section at the time of issuance of such temporary ~~per-~~
~~mit-~~ or license.

Sec. 2. K.S.A. 2005 Supp. 65-6309 is hereby amended to read as follows: 65-6309. (a) Except as provided in subsections (b) and (c), an applicant shall be exempted from the requirement for any examination provided for herein if:

(1) The applicant proves to the board that the applicant is licensed or registered under the laws of a state or territory of the United States that imposes substantially the same requirements as this act as determined by the board; and

(2) pursuant to the laws of any such state or territory, the applicant has taken and passed an examination similar to that for which exemption is sought, as determined by the board.

(b) The board may issue a license to an individual who is currently licensed to practice social work at the clinical level in another jurisdiction if the board determines that:

(1) The standards for licensure to practice social work at the clinical level in the other jurisdiction are substantially equivalent to the requirements of this state for licensure at the clinical level; or

(2) the applicant demonstrates on forms provided by the board compliance with the following standards as adopted by the board:

(A) Continuous licensure to practice social work at the clinical level during the five years immediately preceding the application with at least the minimum professional experience as established by rules and regulations of the board;

(B) the absence of disciplinary actions of a serious nature brought by a licensing board or agency; and

(C) a masters or doctoral degree in social work from a regionally accredited university or college and from an accredited graduate social work program recognized and approved by the board pursuant to rules and regulations adopted by the board.

(c) Applicants for licensure as a clinical specialist social worker shall

additionally demonstrate competence to diagnose and treat mental disorders through meeting the following requirements:

(1) Passing a national clinical examination approved by the board or, in the absence of the national examination, continuous licensure to practice as a clinical social worker during the 10 years immediately preceding the application; and

(2) three years of clinical practice with demonstrated experience in diagnosing or treating mental disorders.

(d) An applicant for a license under this section shall pay an application fee established by the board under K.S.A. 65-6314 and amendments thereto.

(e) Upon application, the board shall issue temporary licenses to persons who have *submitted documentation and* met all qualifications for licensure under provisions of this act, except passage of the required examination, ~~who must wait for completion of the next examination, and who have paid the required fee, and who have submitted documentation as required by the board under the following provisions:~~ (1) The temporary license shall expire upon receipt and recording of the person's examination score by the board if such person fails the examination or upon the date the board issues or denies the person a license to practice social work if such person passes the examination;

~~(2)~~

(f) Such persons shall take the ~~next~~ license examination *within six months* subsequent to the date of issuance of the temporary license unless there are extenuating circumstances approved by the board, ~~(3) no person may be granted a temporary license more than once, and~~

(g) *Absent extenuating circumstances approved by the board, a temporary license issued by the board shall expire upon the date the board issues or denies a license to practice social work or six months after the date of issuance of the temporary license. No temporary license will be renewed or issued again on any subsequent applications for the same license level. The preceding provisions in no way limit the number of times an applicant may take the examination.*

~~(4)~~ (h) No person may work under a temporary license except under the supervision of a licensed social worker.

(i) Nothing in this ~~subsection~~ *section* shall affect any temporary ~~permit~~ license to practice issued under this ~~subsection~~ *section* prior to the effective date of this act and in effect on the effective date of this act. Such temporary ~~permit~~ license shall be subject to the provisions of this ~~subsection~~ *section* in effect at the time of its issuance and shall continue to be effective until the date of expiration of the ~~permit~~ license as provided under this ~~subsection~~ *section* at the time of issuance of such temporary ~~permit~~ license.

~~(5)~~ (j) Any individual employed by a hospital and working in the area of hospital social services to patients of such hospital on July 1, 1974, is exempt from the provisions of this act.

~~(6)~~ (k) If an applicant is denied licensure, the board shall provide the applicant with a written explanation of the denial within 10 days after the decision of the board, excluding Saturdays, Sundays and legal holidays.

Sec. 3. K.S.A. 65-6405 is hereby amended to read as follows: 65-6405. (a) A person who is waiting to take the examination required by the board ~~shall~~ *may* apply to the board for a temporary license to practice as a licensed marriage and family therapist by (1) paying an application fee of no more than \$150, and (2) meeting the application requirements as stated in subsections (a)(1), (2) and (4) of K.S.A. 65-6404 and amendments thereto.

(b) (1) A temporary license may be issued by the board after the application has been reviewed and approved by the board and the applicant has paid the appropriate fee set by the board for issuance of new licenses.

(2) *Absent extenuating circumstances approved by the board, a temporary license issued by the board shall expire at such time as final action on the application is completed upon the date the board issues or denies the person a license to practice marriage and family therapy or two years 12 months* after the date of issuance of the temporary license.

(3) *A temporary licensee shall take the license examination within six months* subsequent to the date of issuance of the temporary license unless

there are extenuating circumstances approved by the board or if the temporary licensee does not take the license examination within six months subsequent to the date of issuance of the temporary license and no extenuating circumstances have been approved by the board, the temporary license will expire after the first six months.

(4) No temporary license will be renewed or issued again on any subsequent application for the same license level. The preceding provision in no way limits the number of times an applicant may take the examination.

(c) A person practicing marriage and family therapy with a temporary license may not use the title “licensed marriage and family therapist” or the initials “LMFT” independently. The word “licensed” may be used only when followed by the words “by temporary license” such as licensed marriage and family therapist by temporary license, or marriage and family therapist, temporarily licensed.

(d) No person may practice marriage and family therapy under a temporary license except under the supervision of a person licensed by the behavioral sciences regulatory board at the independent level.

~~(d)~~ (e) Nothing in this section shall affect any temporary ~~permit or~~ license to practice issued under this section prior to the effective date of this act and in effect on the effective date of this act. Such temporary ~~permit or~~ license shall be subject to the provisions of this section in effect at the time of its issuance and shall continue to be effective until the date of expiration of the ~~permit or~~ license as provided under this section at the time of issuance of such temporary ~~permit or~~ license.

Sec. 4. K.S.A. 74-5366 is hereby amended to read as follows: 74-5366. (a) All licenses shall be effective upon the date issued and shall expire at the end of 24 months from the date of issuance.

(b) A license may be renewed by the payment of the renewal fee and the execution and submission of a signed statement, on a form provided by the board, attesting that the applicant’s license has been neither revoked nor currently suspended and that the applicant has met the requirements for continuing education set forth in this act.

~~(c) The application for renewal shall be made at least 30 days before the date of the expiration of the license.~~

~~(d)~~ If the application for renewal, including payment of the required renewal fee, is not made on or before the date of the expiration of the license, the license is void, and no license shall be reinstated except upon payment of the required renewal fee, plus a penalty equal to the renewal fee, and proof satisfactory to the board of compliance with the continuing education requirements. Upon receipt of such payment and proof, the board shall reinstate the license, ~~except that no license shall be reinstated if such payment and proof is received more than one year after the date of expiration of the license.~~

~~(e)~~ (d) A duplicate license shall be issued by the board upon receipt of a \$20 fee.

~~(f)~~ (e) A person registered as a masters level psychologist on December 30, 1996, shall be deemed to be a licensed masters level psychologist under this act. Such person shall not be required to file an original application for licensure under this act, but shall apply to the board for a license in lieu of registration upon payment of the fee set by the board for renewal of license. Any application for registration filed but which has not been granted prior to January 1, 1997, shall be processed as an application for licensure pursuant to this act. For exchange of a license in lieu of registration pursuant to this subsection, a fee not to exceed \$100.

~~(g)~~ (f) The board shall collect a fee not to exceed \$100 for exchange of a license in lieu of a registration pursuant to subsection ~~(f)~~ (e).

Sec. 5. K.S.A. 74-5367 is hereby amended to read as follows: 74-5367. (a) The board may issue a temporary license to practice as a licensed masters level psychologist to any person who pays a fee prescribed by the board under this section, which shall not be refunded, and who: ~~(1) Meets all the requirements for licensure under K.S.A. 74-5361 et seq. and amendments thereto, as a licensed masters level psychologist, but whose application for licensure is pending; or (2) meets all the requirements for licensure under K.S.A. 74-5361 et seq., and amendments thereto, as a licensed masters level psychologist except the requirement of postgraduate supervised work experience or passing the licensing examination, or both.~~

(b) (1) *Absent extenuating circumstances approved by the board, a temporary license issued by the board shall expire at such time as final action on the application is completed, but all such temporary licenses shall expire two years upon the date the board issues or denies a license to practice masters level psychology or 24 months after the date of issuance of the temporary license. A No temporary license issued by the board may be renewed for one additional twenty-four month period if the board finds that satisfactory progress toward the supervised experience requirement is being met will be renewed or issued again on any subsequent applications for the same license level. The preceding provision in no way limits the number of times an applicant may take the examination.*

(2) *A temporary licensee shall take the examination within the first 12 months subsequent to the issuance of the temporary license unless there are extenuating circumstances approved by the board or if the temporary licensee does not take the examination within the first 12 months subsequent to the issuance of the temporary license and no extenuating circumstances have been approved by the board, the temporary license will expire after the first 12 months.*

(c) *The board shall fix by rules and regulations fees a fee for the application and renewal of each type of the temporary license under this section. The application and renewal fee shall not exceed \$100 except that the fee for application for and renewal of the two-year temporary license under clause (1) of subsection (a) shall not exceed \$200.*

(d) *A person practicing masters level psychology with a temporary license may not use the title “licensed masters level psychologist” or the initials “LMLP” independently. The word “licensed” may be used only when followed by the words “by temporary license” such as licensed masters level psychologist by temporary license, or masters level psychologist licensed by temporary license.*

(e) *No person may work under a temporary license except under the supervision of a person licensed to practice psychology or masters level psychology in Kansas.*

~~(d)~~ (f) *The application for a temporary license may be denied or a temporary license which has been issued may be suspended or revoked on the same grounds as provided for suspension or revocation of a license under K.S.A. 74-5369 and amendments thereto.*

~~(e)~~ (g) *Nothing in this section shall affect any temporary permit license to practice issued under this section prior to the effective date of this act and in effect on the effective date of this act. Such temporary permit license shall be subject to the provisions of this section in effect at the time of its issuance and shall continue to be effective until the date of expiration of the permit license as provided under this section at the time of issuance of such temporary permit license.*

Sec. 6. K.S.A. 65-5804a, 65-5805, 65-6405, 74-5366 and 74-5367 and K.S.A. 2005 Supp. 65-6309 are hereby repealed.

Sec. 7. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the SENATE, and passed that body

President of the Senate.

Secretary of the Senate.

Passed the HOUSE _____

Speaker of the House.

Chief Clerk of the House.

APPROVED _____

Governor.